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IAB CASE NO. **SH2307689**

761551N25A - SH - AD - 32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

Date: September 24, 2012
File No.: 012-03386-1367-013

FROM: WILLIAM J. MCSWEENEY, CHIEF
DETECTIVE DIVISION

TO: LEROY D. BACA
SHERIFF

SUBJECT: **LETTER OF OPINION ON DEPUTY INVOLVED SHOOTING**

The attached Letter of Opinion was received from the District Attorney's Office regarding the case involving Deputy [redacted] #[redacted]

STATION:	Lakewood
DATE / TIME OF SHOOTING:	February 21, 2012, 0025 Hours
SUSPECT:	HENNING, Robert Chester MW/32 (Deceased)
LOCATION:	16635 Paramount Boulevard Paramount

DISTRICT ATTORNEY'S CONCLUSION:

"The evidence examined in this investigation shows that Robert Henning was behaving irrationally, presenting a danger to himself and motorists on Paramount Boulevard. The deputies were reasonable in approaching Henning to remove him from the roadway and to determine the cause of his bizarre behavior. When Henning sat on the ground, appearing to comply with the deputies' orders, Deputy [redacted] approached to apply handcuffs. Henning got up to his knees, ignored [redacted] orders to get back down and grabbed [redacted] service weapon. Believing that Henning was trying to take away his weapon to shoot him, [redacted] fired twice at Henning who fell to the ground, ending the threat. Henning's actions placed Deputy [redacted] in reasonable fear of death or great bodily injury causing him to respond with deadly force."

"Given the rapidly evolving, life threatening situation that confronted Deputy [redacted] we conclude that he acted lawfully in self-defense. We are therefore closing our file and will take no further action in this matter."

WJM:DS:no





LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
PATRICK R. DIXON • Assistant District Attorney

JANICE L. MAURIZI • Director

August 7, 2012

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File #12-0136
L.A.S.D. File #012-03386-1367-013

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 21, 2012, fatal shooting of Robert Chester Henning by Los Angeles County Sheriff's Department (LASD) Deputy [redacted] We have concluded that Deputy [redacted] acted lawfully in self-defense.

The District Attorney Command Center was notified of the shooting at approximately 1:27 a.m., on February 21, 2012. The District Attorney Response Team, comprised of Deputy District Attorney Jason Lustig and District Attorney Senior Investigator Andy Le, responded to the location. They were given a briefing of the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based upon investigative reports, analyzed evidence reports and witness statements taken during the investigation by the LASD and submitted to this office by Detectives Margarita Barron and Dameron Peyton. Compelled statements were not considered in this analysis.

FACTUAL ANALYSIS

On February 21, 2012, at about 12:10 a.m., Ruben Estrada was driving south on Paramount Boulevard in the City of Paramount when he encountered Robert Henning laying in the roadway near the line separating the number one and two southbound lanes. Henning was shirtless doing sit-ups. Estrada stopped in the number two lane to protect Henning from other vehicles and called 9-1-1. About five minutes later, while driving a marked Sheriff's vehicle north on Paramount Boulevard, LASD Sergeant [redacted] saw Henning in the roadway blocking

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
WEBSITE: http://da.co.la.ca.us

traffic. Henning was walking in circles, talking to himself, screaming, doing sit-ups and jumping up and down. Sergeant [redacted] made a U-turn, stopped next to Estrada and asked what was wrong. Estrada replied that he did not know and was trying to protect Henning from being run over. Sergeant [redacted] requested additional patrol units for assistance.

Deputy Cruz was the first to arrive. Sergeant [redacted] instructed Deputy Cruz to arm himself with a Tazer. Seconds later, Deputies [redacted] and Royo arrived. Sergeant [redacted] told them to contact Henning. After several commands to lie down, Henning sat cross-legged on the ground. Believing it safe for approach, Sergeant [redacted] instructed the deputies to handcuff Henning. When Deputy [redacted] was about four feet from Henning and was holstering his weapon, Henning raised on his knees. [redacted] removed his weapon from his holster and yelled at Henning, "Get down on the ground! Get down on the ground!" A second later, Henning got up and grabbed [redacted] service weapon. Sergeant [redacted] yelled, "Shoot him! Shoot him!" While losing his balance, [redacted] pulled back his weapon and fired twice at Henning.[1] [redacted] fell against the curb. Henning stumbled to the ground. [redacted] thought Henning was going to take his firearm and kill him, reporting that he was "scared to death." As [redacted] walked by Estrada's truck, Estrada asked him why he shot Henning. [redacted] replied that Henning tried to take his gun away.

Henning was transported to Long Beach Memorial Hospital and pronounced dead, at 1:03 a.m., by an emergency room physician. On February 22, 2012, Deputy Medical Examiner J. Daniel Augustine performed a postmortem examination of Henning's remains and determined the cause of death to be multiple (2) gunshot wounds to the torso. His blood showed evidence of marijuana and methamphetamine consumption.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. (*People v. Williams* (1977) 75 Cal.App.3d 731.)

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. (*California Criminal Jury Instructions* 3470.) If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. (*People v. Collins* (1961) 189 Cal. App.3d 575).

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[1] Deputy Stewart was armed with a Beretta, model 92FS, 9mm, semiautomatic handgun.

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight. . . . The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation. *Graham v. Conner* (1989) 490 U.S. 386, 396-397.

CONCLUSION

The evidence examined in this investigation shows that Robert Henning was behaving irrationally, presenting a danger to himself and motorists on Paramount Boulevard. The deputies were reasonable in approaching Henning to remove him from the roadway and to determine the cause of his bizarre behavior. When Henning sat on the ground, appearing to comply with the deputies' orders, Deputy [redacted] approached to apply handcuffs. Henning got up to his knees, ignored [redacted] orders to get back down and grabbed [redacted] service weapon. Believing that Henning was trying to take away his weapon to shoot him, [redacted] fired twice at Henning who fell to the ground, ending the threat. Henning's actions placed Deputy [redacted] in reasonable fear of death or great bodily injury causing him to respond with deadly force.

Given the rapidly evolving, life threatening situation that confronted Deputy [redacted] we conclude that he acted lawfully in self-defense. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

JASON P. LUSTIG
Deputy District Attorney
(213) 974-3888

c: Deputy [redacted] # [redacted]

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: June 18, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

TO: MERRILL E. LADENHEIM, CAPTAIN
LAKEWOOD STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2307689/IV2336065
Incident:	Hit Shooting
Incident Date:	February 21, 2012
Unit:	Lakewood Station
Suspect:	Robert C. Henning, MW/12-22-89
Involved Employees:	Deputy [redacted] #[redacted]
EFRC Date:	June 13, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Stephen Johnson, Bobby Denham, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others, only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

A Lakewood field sergeant was driving northbound on Paramount Boulevard when he saw the suspect standing in the southbound lanes of Paramount Boulevard. The suspect was not wearing a shirt even though the outside temperature was about 45 degrees. The sergeant saw the suspect lie down in the street and begin doing sit-ups while talking to himself. Because of the suspect's position in the street, the sergeant was fearful that he would be struck by oncoming traffic.

The sergeant observed a large truck stopped in the southbound lanes, just north of the suspect, blocking traffic. He contacted the driver of the truck who informed him of the suspect's bizarre behavior. The sergeant requested additional units who quickly arrived on scene. The sergeant designated a team to approach the suspect as he sat in the street. He designated one deputy with a Taser, and two deputies with handguns (lethal force option). One of the deputies designated as the lethal force option was a "ride-along" assigned to Century Regional Detention Facility (CRDF) and not in full uniform.

As the deputies and sergeant approached the suspect, the arresting deputy began to holster his weapon when the suspect suddenly leaped to his feet and grabbed a hold of the deputy's handgun. As they struggled, the sergeant yelled, "shoot him, shoot him." The deputy fired two rounds from his handgun striking and killing the suspect. No deputies were injured.

The EFRC determined the force used against the aggressive and uncooperative suspect was reasonable, necessary, and justified.

The EFRC deemed as **Founded** the allegation that the tactics used by Deputy [redacted] were in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/030.10, Obedience to Laws, Regulations, and Orders (as it pertains to, Field Operations Directive 00-11) on or about February 21, 2012, while on duty Subject [redacted] willfully participated in the Department's Sworn Ride Along Program while dressed in civilian attire and in a manner that did not conform to the Department's protocol as her Sally Browne containing handcuffs and other law enforcement tools, including a duty weapon, was exposed and visible to the public.

RECOMMENDATIONS:

The EFRC recommended Deputy [redacted] #[redacted] receive a **written reprimand**. The EFRC also recommended the unit commander, Merrill E. Ladenheim, conduct a tactical debriefing with all involved personnel regarding the unique circumstances of this incident.

BDD:JER:jer

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: June 18, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

TO: MERRILL E. LADENHEIM, CAPTAIN
LAKEWOOD STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

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Involved Employees:	Deputy [redacted] #[redacted]
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The Executive Force Review Committee (EFRC) consisting of Commanders Stephen Johnson, Bobby Denham, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others, only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

A Lakewood field sergeant was driving northbound on Paramount Boulevard when he saw the suspect standing in the southbound lanes of Paramount Boulevard. The suspect was not wearing a shirt even though the outside temperature was about 45 degrees. The sergeant saw the suspect lie down in the street and begin doing sit-ups while talking to himself. Because of the suspect's position in the street, the sergeant was fearful that he would be struck by oncoming traffic.

The sergeant observed a large truck stopped in the southbound lanes, just north of the suspect, blocking traffic. He contacted the driver of the truck who informed him of the suspect's bizarre behavior. The sergeant requested additional units who quickly arrived on scene. The sergeant designated a team to approach the suspect as he sat in the street. He designated one deputy with a Taser, and two deputies with handguns (lethal force option). One of the deputies designated as the lethal force option was a "ride-along" assigned to Century Regional Detention Facility (CRDF) and not in full uniform.

As the deputies and sergeant approached the suspect, the arresting deputy began to holster his weapon when the suspect suddenly leaped to his feet and grabbed a hold of the deputy's handgun. As they struggled, the sergeant yelled, "shoot him, shoot him." The deputy fired two rounds from his handgun striking and killing the suspect. No deputies were injured.

The EFRC determined the force used against the aggressive and uncooperative suspect was reasonable, necessary, and justified.

The EFRC deemed as **Founded** the allegation that the tactics used by Sergeant [redacted] were in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to, 5-06/105.00, Tactical Incidents), on or about February 21, 2012, while on duty Subject [redacted] failed to conform to the work standards established for his position as a patrol sergeant, when he failed to employ sound tactical principles when he attempted to subdue a man who displayed symptoms of being under the influence of a drug or alcohol, or experiencing a mental health crisis while sitting in a roadway as evidenced by, but not limited to the following:

a. failing to wait for additional qualified patrol trained personnel prior to approaching and engaging a man who displayed symptoms of being under the influence of a drug or alcohol, or experiencing a mental health crisis; and/or,

b. failing to wait for additional equipment in the form of less lethal weapons prior to approaching and engaging a man who displayed symptoms of being under the influence of a drug or alcohol, or experiencing a mental health crisis; and/or,

c. assigning a custody deputy to a tactical situation when the deputy was participating in the Department's Sworn Ride-Along Program and restricted by policy (Field Operations Directive 00-11) from engaging in patrol field activities.

RECOMMENDATIONS:

The EFRC recommended Sergeant [redacted] #[redacted] receive a **written reprimand**. The EFRC also recommended the unit commander, Merrill E. Ladenheim, conduct a tactical debriefing with all involved personnel regarding the unique circumstances of this incident.

BDD:JER:jer

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 02/21/12	Bureau/Station/Facility: Lakewood Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 012-03386-1367-013	Date: 02/21/12 Time: 0025
City or Station: Paramount	Nature of Incident: Suspect Henning was shot after he grabbed Deputy [redacted] handgun.
Location: 16635 Paramount Boulevard	

Location Type (*circle one or more*):	Lighting (*circle only one*):	Incident Type (*circle one or more*):	Initiated by (*circle only one*):
Backyard Beach **(Business)** Freeway Industrial Park Parking Lot Residence Rural School **(Street)** Other:	Darkness Daylight Other **(Street Lights)**	Accidental Armed Person Fleeing Suspect Foot Pursuit **(Gun Take Away)** Moving Vehicle Sniper/Ambush Startle Struggle Involved Traffic Stop Unarmed Person Unintentional Vehicle Pursuit Warrant Service Warning Shot Other:	Arrest Warrant Call **(Observation)** One Person Unit Other Search Warrant Two Person Unit
	Weather (*circle only one*): **(Clear)** Cloudy Fog Rain		Prior Activity (*circle only one*): Detective Inmate Transport Other **(Routine Patrol)**
	Distance:		
Total # of Shots Fired by Deputy: 2	Total # of Shots Fired by Suspect: 0		Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*):	ShiftType (*circle only one*):
[redacted]	Cruz	Julio		**(EM)** PM Day	**(Regular)** Overtime Off Duty
[redacted]	Cham	Welby		EM **(PM)** Day	**(Regular)** Overtime Off Duty
[redacted]	Royo	Vanessa		EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.			
[redacted]	[redacted]				
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	
Police Officer LBPD 4891 Atlantic Avenue	Long Beach	90807	(562) 570-9800		
Last Name	**First Name**	**M.I.**			
[redacted]	[redacted]	[redacted]			
Street [redacted]	City [redacted]	Zip [redacted]	[redacted]	[redacted]	
Last Name	**First Name**	**M.I.**			
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*):
[redacted]	[redacted]	[redacted]	[redacted]	**(On Duty)** **(Witness to shooting)** **(Present during shooting)** Involved in shooting
				On Duty Witness to shooting Present during shooting Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Reveles	Jose	I.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Lindblom	Eric	R.

PSTD Use Only
SH # 2307689

Officer Involved Shooting

URN: 012-03386-1367-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
02/21/12	0210	05/12/13	

Employee #	Last Name	First Name	M.I
[redacted]	Allen	Victor	M.
[redacted]	Bracken	Sonja	M.
[redacted]	Fredericks	Stefanie	R.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC					NN	
S#1	E#1	FH	BR	9			NN	
E#1	S#1	FH	BR	9	Y	Y	GS	BK
E#1	S#1	FH	BR	9	Y	Y	GS	AD

See Front Side

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	
Brown #[redacted]	Richard	D.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**
LA County Deputy Sheriff		(562) 623-3500	

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

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Street Address	**Zip Code**	**Work Ph**	**Home Ph**

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Street Address	**Zip Code**	**Work Ph**	**Home Ph**

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Street Address	**Zip Code**	**Work Ph**	**Home Ph**

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Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Officer Involved Shooting
Involved Employee Information

URN: 012-03386-1367-013

Involved Employee

E 1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Sex: [redacted] Race: [redacted]	Rank [redacted]	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): EM PM (circled) Day	ShiftType (*circle only one*): Regular (circled) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 5	Duty Time (hrs): 1600-2400	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest (circled)	Other Factors:
Age: [redacted]	Height: [redacted] Weight: [redacted]		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date:	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber 9mm # Shots 2	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height: Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber # Shots	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height: Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber # Shots	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 012-03386-1367-013

Suspect Information

S 1

Last Name: Henning	First Name: Robert	M.I. C.
AKA Last Name: -------	First Name: -------	M.I.

Sex: M Race: W	Street[redacted]	City [redacted]	[redacted] & Zip Code: [redacted]
Work Phone: -------	Home Phone: -------	Social Secu[redacted]	Driver's Lice[redacted]
Age: 22 D.O.B. 12/22/89	Height: 509 Weight: 160	FBI # [redacted]	CII # [redacted]
Booking # -------	Primary Charge: -------	Secondary Charge: -------	
Coroner Case? ☒	Coroner Case # 2012-01221	Intoxication/Drug Usage? ☒	Substance Used: Amphetamine/ Marijuana
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make -------		Model: -------	Year: -------

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT: **On-Duty Hit Shooting**

IAB FILE NUMBER(S): **SH2307689**

URN#: **012-03386-1367-013**

DATE /TIME: **February 21, 2012 / 0025 Hours**

LOCATION: **16635 Paramount Boulevard, Paramount**

Opening Statement

On February 21, 2012, Deputy [redacted] # [redacted] shot Suspect Robert Henning after Suspect Henning lunged toward Deputy [redacted] handgun. Suspect Henning died as a result of two gunshot wounds to his torso. Internal Affairs Bureau Lieutenant Stefanie Fredericks, along with Sergeants Victor Allen and Sonja Bracken were notified and responded to the scene. Deputy Chief Attorney Julie Ruhlin of the Office of Independent Review was notified and also responded to the scene.

Synopsis

On February 21, 2012, Sergeant [redacted] was working patrol in a marked black and white out of Lakewood Station assigned to unit 130S. As he drove northbound on Paramount Boulevard, he saw Suspect Henning in the street in the southbound lanes of Paramount Boulevard. Sergeant [redacted] observed that Suspect Henning was not wearing a shirt even though the outside the temperature at the time was about 45 degrees. Additionally, Sergeant [redacted] saw suspect Henning lay down in the street doing sit-ups and talking to himself. The position of Suspect Henning in the street lead Sergeant [redacted] to believe that Suspect Henning was in danger of being struck by oncoming traffic.

Sergeant [redacted] saw a large truck positioned north of Suspect Henning blocking southbound traffic. He contacted the driver of the truck, Witness [redacted] to determine if he knew what was occurring. After speaking with Witness [redacted] Sergeant [redacted] requested additional units over the radio regarding a possible mentally ill person. Deputy Julio Cruz was the first unit to arrive on scene. Sergeant [redacted] directed Deputy Cruz to be the less lethal force option with his Taser.

Deputies [redacted] and Vanessa Royo arrived a short time later. Sergeant [redacted] directed them to be the lethal force option and the arrest team when they gained compliance from Suspect Henning.

Deputies [redacted] Cruz, Royo and Sergeant [redacted] made a synchronized approach toward Suspect Henning while giving him commands to get on the ground. Suspect Henning was alternating between walking back and forth, side to side and lying on his back in the street. While the deputies were approaching Suspect Henning, Deputy Richard Brown arrived on-scene and deployed his stun bag shotgun. When Suspect Henning appeared to somewhat comply with their commands, by sitting down on the ground, Sergeant [redacted] directed Deputies Royo and [redacted] to handcuff him.

As Deputy Royo was approaching to take Suspect Henning into custody and Deputy [redacted] was holstering his weapon, Suspect Henning suddenly leaped to his feet. Suspect Henning charged toward Deputy [redacted] while reaching toward Deputy [redacted] handgun. Deputy [redacted] fearing that Suspect Henning was attempting to take his weapon and use it against them; fired two rounds at Suspect Henning striking him in the torso. Both Deputy [redacted] and Suspect Henning fell backwards to the ground. Deputy Royo and Deputy Brown were able to place suspect Henning into handcuffs.

Paramedics from the Los Angeles County Fire Department treated suspect Henning at the scene. Suspect Henning was transported to Long Beach Memorial Hospital where he was pronounced dead by Doctor Acker.

The initial investigation was handled by detectives from the Los Angeles County Sheriff Department's Homicide Bureau **(refer to the Homicide Book, Exhibit A)**.

District Attorney's Letter of Opinion

The Justice System Integrity Division of the Los Angeles County District Attorney's Office reviewed the fatal shooting of Robert Henning by Deputy [redacted] In their Letter of Opinion (**Exhibit B**), dated August 7, 2012, District Attorney Jason Lustig concluded Deputy [redacted] acted lawfully in self-defense.

Involved Personnel



[redacted] **Deputy**
[redacted]

Work History



Date of Employment: [redacted]
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Date Assigned to Station: [redacted]
Prior Shooting Incident(s): [redacted]
Prior Founded Force: [redacted]

Suspects

Robert Chester Henning MW22
DOB: 12/22/89
CC# 2012-01221

Injuries

Suspect Henning sustained two gunshot wounds to his torso.

Physical Evidence

All physical evidence was located and collected by Homicide Detectives Todd Anderson and Samuel Dendekker. They were assisted Forensic Identification Specialists Edna Roches and Marisela Rowles. For descriptions of the evidence collected and where it was collected, see the Homicide Investigation Book **(Exhibit A)** pages 45-51.

Investigators Observations

The scene is described in detail by Homicide Detectives Todd Anderson and Samuel Dendekker. Their description of the scene was consistent with IAB Investigators observations. Refer to pages 15-17 of **Exhibit A**. The scene was also photographed by Scientific Services. Refer to the compact disc and thumb nail photos under **Exhibit C.**

Weapons used by Deputy

Deputy [redacted] fired two (2) rounds of Department issued 9mm ammunition from his Department issued Beretta 92F, semiautomatic pistol. The weapon was examined by Scientific Services Firearms Identification Unit and found to be functional (refer to the supplemental report **Exhibit D**).

Deputy [redacted] handgun was examined by Supervising Forensic Identification Specialist Mari Johnson of the Chemical Processing Unit of Scientific Services Bureau for latent prints. No prints were developed (refer to page 34 of **Exhibit A**).

Deputy [redacted] handgun was also examined for DNA by Senior Criminalist Ilene Krokaugger of Scientific Services Bureau. A partial DNA profile was obtained from the front area of the handgun. Deputy [redacted] was included as a possible source of this profile (refer to pages 35-37 of **Exhibit A**).

Two (2) expended casings were recovered at the scene (refer to page 13 of **Exhibit A**). Two (2) copper jacketed bullets were recovered from the body of Suspect Henning (refer to pages 45 & 46 of **Exhibit A**).

Date last qualified: [redacted]
Date last trained with weapon: [redacted]

Weapon used by Suspect

Suspect Henning attempt to grab Deputy [redacted] Beretta 92F handgun.

Property Damage

None

Criminal Investigator

The criminal investigation was handled by Detectives Dameron Peyton and Margarita Barron of the Los Angeles County Sheriff's Department Homicide Bureau.

Lighting and Weather Conditions

The scene was illuminated by street lights on both sides of the street. The weather was clear and cold.

Interviews

[redacted] (Civilian Witness)

On February 21, 2012, Detectives Todd Anderson and Sam Dendekker interviewed [redacted] at his home. This interview is summarized on pages 17-19 of Exhibit A. For a detailed account of Officer [redacted] statement, refer to the verbatim transcripts included in this case. The following is a brief summary of the homicide interview.

Witness [redacted] said he was going southbound on Paramount Boulevard at Harrison Street, when he saw a male (Suspect Henning) in the middle of the street. He said he believed Suspect Henning was either drunk or had mental problems and thought he

was going to be hit by a car. Witness [redacted] said Suspect Henning was sitting with his legs crossed in the middle of the street.

Witness [redacted] said Suspect Henning saw him and began doing sit-ups. He said he stayed away from Suspect Henning because he was not sure of his intentions. Witness [redacted] said he called 911 and explained what was going on. As he spoke to the dispatcher on the phone, Witness [redacted] said Suspect Henning was saying something but he was not paying attention to him.

Witness [redacted] said a sergeant in a Suburban approached him. He said the sergeant told him to stay there. Witness [redacted] said the sergeant advised on the radio he had mentally ill person (5150). A short time later Witness [redacted] said several Sheriff units arrived. He said the deputies pulled out there handguns and shotguns and went up to Suspect Henning and shot him. Witness [redacted] said he did not see a struggle between the Deputies and Suspect Henning before the shooting.

Officer [redacted] (Long Beach Police Department)

On February 21, 2012, Detectives Dameron Peyton and Margarita Barron interviewed Officer [redacted] at Lakewood Station. This interview is summarized on pages 21-22 of **Exhibit A**. For a detailed account of Officer [redacted] statement, refer to the verbatim transcripts included in this case. The following is a brief summary of the homicide interview.

Officer [redacted] said he was responding to 67th Street and Paramount Boulevard for a call of a male doing sit-ups in the street. As he approached the intersection of Artesia and Paramount, he noticed a black and white traveling north on Paramount, just north of Artesia. Officer [redacted] said he assumed it was a black and white radio car that belonged to Long Beach.

Officer [redacted] said he followed the radio car past the intersection of 67th street and Paramount Boulevard. He said he continued north on Paramount Boulevard into the city of Paramount, where he saw several Sheriff units parked both northbound and southbound on Paramount Boulevard.

Officer [redacted] said he parked his car in the northbound lanes of Paramount Boulevard. He said he was facing west when he saw a male white without a shirt facing a north or northwest direction. Officer [redacted] said the deputies were facing south in the direction of the male (Suspect Henning). He said several deputies had their guns out and one deputy was approaching with a less lethal shotgun. Officer [redacted] described the less lethal weapon as having a different colored handle.

Officer [redacted] said several deputies were giving Suspect Henning orders to get on the ground. He said Suspect Henning did not comply. He said Suspect Henning seemed like he was laughing and was turning his back to the deputies.

Officer [redacted] said Suspect Henning went down to the ground in a seated position for a couple of seconds, then got right back up and charged the deputies. Officer [redacted] said it seemed like Suspect Henning was reaching toward one of the deputies with his right hand and then he heard two gunshots. Officer [redacted] said he was about 25 to 30 feet away at the time of the shooting. He was on the other side of the center divider, but he said his view was unobstructed.

Sergeant [redacted]

On February 21, 2012, Detectives Dameron Peyton and Margarita Barron interviewed Sergeant [redacted] at Lakewood Station. This interview is summarized on pages 26 -27 of **Exhibit A**. The following is a brief summary of the homicide interview.

> **IAB Note:** In the Homicide summary for Sergeant [redacted] it indicates IAB Sergeants Allen and Bracken were present during the interview. Neither was present for the interview.

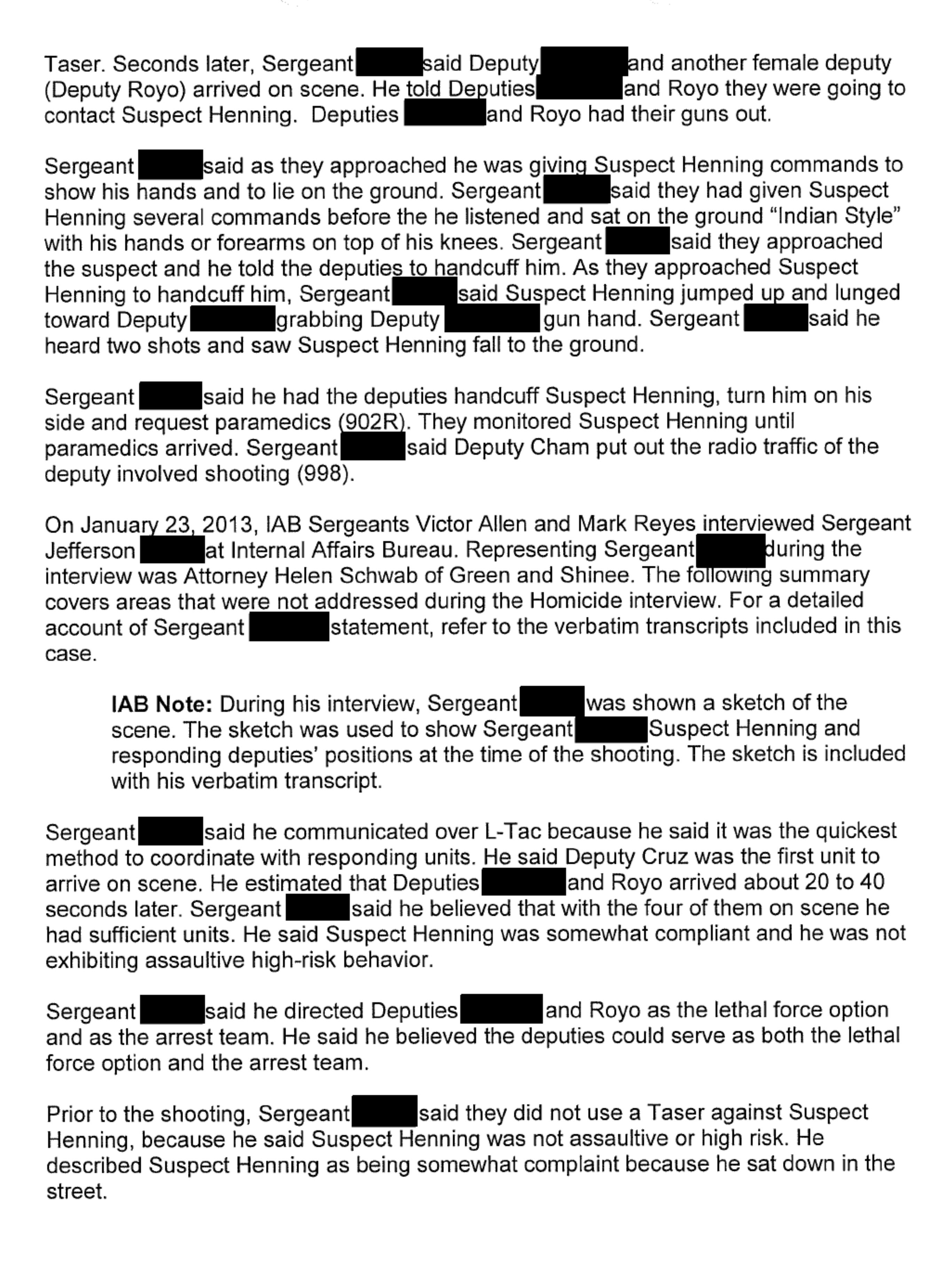
Sergeant [redacted] stated he was working unit 130S. He was driving northbound on Paramount Boulevard when he saw a male White or Hispanic about eighteen to twenty years old, without a shirt on, blocking traffic. Sergeant said the male was near the curb; however, if traffic were flowing he said the male would be run over. The male (Suspect Henning) was talking to himself, alternating between walking around and sitting down, and doing sit-ups in the middle of the street.

Sergeant [redacted] said he saw a truck north of Suspect Henning blocking southbound traffic preventing Suspect Henning from being run over. Sergeant [redacted] said he proceeded to drive north and made a U-turn to contact the occupant of the truck. Upon contacting the truck's occupant (Witness [redacted] Sergeant [redacted] said he asked Witness [redacted] if he knew what was going. He said Witness [redacted] told him he did not know what was going on, that he was making sure that Suspect Henning did not get run over.

Sergeant [redacted] said Suspect Henning was still acting bizarre. Based on Suspect Henning's behavior, Sergeant [redacted] said he believed Suspect Henning was mentally ill (5150) or under the influence of drugs. Sergeant [redacted] said he saw Suspect Henning was now walking southbound down the street. He said he requested additional units over L-Tac, because he felt if he contacted him alone he would be involved in a fight.

Sergeant [redacted] said Suspect Henning changed direction and was now walking toward him. He was not sure of the distance between him and Suspect Henning; however, Sergeant [redacted] said he then requested the units respond code-3 over dispatch 14, because he felt Suspect Henning could close the distance very quickly.

Sergeant [redacted] said he coordinated responding units to drive southbound on Paramount Boulevard. He said Deputy Cruz was the first to arrive. Sergeant [redacted] said he ordered Deputy Cruz to get a less than lethal weapon. He said Deputy Cruz had a



Taser. Seconds later, Sergeant [redacted] said Deputy [redacted] and another female deputy (Deputy Royo) arrived on scene. He told Deputies [redacted] and Royo they were going to contact Suspect Henning. Deputies [redacted] and Royo had their guns out.

Sergeant [redacted] said as they approached he was giving Suspect Henning commands to show his hands and to lie on the ground. Sergeant [redacted] said they had given Suspect Henning several commands before the he listened and sat on the ground "Indian Style" with his hands or forearms on top of his knees. Sergeant [redacted] said they approached the suspect and he told the deputies to handcuff him. As they approached Suspect Henning to handcuff him, Sergeant [redacted] said Suspect Henning jumped up and lunged toward Deputy [redacted] grabbing Deputy [redacted] gun hand. Sergeant [redacted] said he heard two shots and saw Suspect Henning fall to the ground.

Sergeant [redacted] said he had the deputies handcuff Suspect Henning, turn him on his side and request paramedics (902R). They monitored Suspect Henning until paramedics arrived. Sergeant [redacted] said Deputy Cham put out the radio traffic of the deputy involved shooting (998).

On January 23, 2013, IAB Sergeants Victor Allen and Mark Reyes interviewed Sergeant Jefferson [redacted] at Internal Affairs Bureau. Representing Sergeant [redacted] during the interview was Attorney Helen Schwab of Green and Shinee. The following summary covers areas that were not addressed during the Homicide interview. For a detailed account of Sergeant [redacted] statement, refer to the verbatim transcripts included in this case.

> **IAB Note:** During his interview, Sergeant [redacted] was shown a sketch of the scene. The sketch was used to show Sergeant [redacted] Suspect Henning and responding deputies' positions at the time of the shooting. The sketch is included with his verbatim transcript.

Sergeant [redacted] said he communicated over L-Tac because he said it was the quickest method to coordinate with responding units. He said Deputy Cruz was the first unit to arrive on scene. He estimated that Deputies [redacted] and Royo arrived about 20 to 40 seconds later. Sergeant [redacted] said he believed that with the four of them on scene he had sufficient units. He said Suspect Henning was somewhat compliant and he was not exhibiting assaultive high-risk behavior.

Sergeant [redacted] said he directed Deputies [redacted] and Royo as the lethal force option and as the arrest team. He said he believed the deputies could serve as both the lethal force option and the arrest team.

Prior to the shooting, Sergeant [redacted] said they did not use a Taser against Suspect Henning, because he said Suspect Henning was not assaultive or high risk. He described Suspect Henning as being somewhat complaint because he sat down in the street.

Sergeant [redacted] said they were standing a few feet in front of his Tahoe when they made their approach toward Suspect Henning. He estimated it took them about 40 to 50 seconds to reach Suspect Henning. Sergeant [redacted] said they made a methodical approach toward Suspect Henning in a diamond formation. They were giving him commands as they approached. He said he did not know how far they walked to reach Suspect Henning.

> **IAB Note:** The distance from the front of Sergeant [redacted] Tahoe (SH0009) to the blood stain in the street was approximately 121 feet (refer to the Evidence Lists **Exhibit B**).

Deputy Julio Cruz

On February 21, 2012, Detectives Dameron Peyton and Margarita Barron interviewed Deputy Julio Cruz at Lakewood Station. This interview is summarized on pages 23 -24 of **Exhibit A**. The following is a brief summary of the homicide interview.

Deputy Cruz said he was working the early morning shift in unit 136B, which patrols the city of Paramount. He was in a one-man unit. Deputy Cruz said he was en route to Lakewood station when he heard Sergeant [redacted] on the radio request back up to respond to Paramount Boulevard and Harrison Street. He said Sergeant [redacted] then requested units to respond code-3. Deputy Cruz said he advised he was responding in one minute and he received the code-3 response.

Deputy Cruz said he was the first unit to arrive on scene with Sergeant [redacted] He said he was directed by Sergeant [redacted] to deploy the Taser. Deputy Cruz said Deputy [redacted] and his ride-a-long (Deputy Royo) arrived on scene. The four of them made an approach toward Suspect Henning.

> **IAB Note:** Deputy Royo was assigned to CRDF on the date of this incident. She was participating in a ride-a-long with Deputy [redacted]

As they approached Suspect Henning, Deputy Cruz said they were giving him commands to get on the ground and to prone out. However, Deputy Cruz said Suspect Henning ignored their commands. They ordered him again to get down and Deputy Cruz said Suspect Henning went down to the ground. Deputy Cruz said they approached to about four or five feet of Suspect Henning. Sergeant [redacted] gave direction for Deputies [redacted] and Royo to "go hands on." Deputy Cruz said he continued to cover Suspect Henning with his Taser. He said he saw Deputy [redacted] holstered his weapon so he could handcuff Suspect Henning.

Deputy Cruz said suddenly and real quickly Suspect Henning got up. Deputy [redacted] got his gun out and pointed it at Suspect Henning. Deputy Cruz said he was positioning himself to shoot Suspect Henning with the Taser. Deputy Cruz said Suspect Henning lunged toward Deputy [redacted] gun. He heard Sergeant [redacted] say "shoot him, shoot him." Deputy Cruz said he was going to shoot Suspect Henning with the Taser when he

heard two shoots from Deputy [redacted] and saw Deputy [redacted] fall to the ground. Deputy Cruz said he assessed what the suspect was doing to determine if he needed to use the Taser. He saw Suspect Henning stumble to the ground and Deputy Royo and another deputy moved in and handcuffed Suspect Henning. Deputy Cruz said Deputy Cham then put out radio traffic of the deputy involved shooting.

> **IAB Note:** Sergeant [redacted] in his IAB interview said he gave the command to "shoot him." He said he was directing the command to Deputy [redacted] (refer to page 2 of Sergeant Chow's IAB interview).

On January 23, 2013, IAB Sergeants Victor Allen and Mark Reyes interviewed Deputy Julio Cruz at Internal Affairs Bureau. Representing Deputy Cruz during the interview was Attorney Helen Schwab of Green and Shinee. The following is a summary of the interview. For a detailed account of Deputy Cruz' statement, refer to the verbatim transcripts included in this case.

> **IAB Note:** During his interview, Deputy Cruz was shown a sketch of the scene. The sketch was used to show their positions at the time of the shooting. The sketch is included with his verbatim transcript.

Deputy Cruz said as they approached Suspect Henning they were formed in a semi-circle, it was Sergeant [redacted] himself, Deputy Royo and Deputy [redacted] He estimated they were about twenty-five to fifty feet away. They walked down the middle of the street toward Suspect Henning, who was also in the middle of the street, giving him commands to get down. Deputy Cruz said he had his Taser out and Deputy [redacted] had his Berretta pointed toward Suspect Henning. He said they came to within two to three feet of Suspect Henning who was sitting on the ground "Indian Style." Sergeant [redacted] gave direction to handcuff Suspect Henning when he suddenly jumped up and lunged toward Deputy [redacted]

Deputy Cruz said Suspect Henning stumbled over to the west curb where he fell. Deputy Cruz said he did not see anyone make contact with Suspect Henning before the shooting. After the shooting, the only contact he saw between the deputies and Suspect Henning was handcuffing.

Deputy Vanessa Royo

On February 21, 2012, Detectives Dameron Peyton and Margarita Barron interviewed Deputy Vanessa Royo at Lakewood Station. This interview is summarized on pages 24-25 of **Exhibit A**. The following is a brief summary of the homicide interview.

Deputy Royo said she was on a ride-a-long with Deputy [redacted] They were working PM shift in unit [redacted] Deputy Royo said they were en route to Paramount Sub-station from Lakewood Station, when they heard Sergeant [redacted] request back-up for a possible mentally ill person (5150) or a person under the influence of PCP (390P). She said Deputy [redacted] acknowledge that they would be there in about one minute.

Deputy Royo said they went northbound on Paramount Boulevard coming up to Harrison Street, when she saw two units in the southbound lanes of Paramount Boulevard with their spotlights on. She said Deputy [redacted] stopped their car in the northbound lanes and they exited their car. Deputy Royo said she heard voices telling someone to get on the ground. She said there was an island in the middle of the street with trees and bushes. As they crossed the island to the southbound lanes, Deputy Royo said she saw Sergeant [redacted] and Deputy Cruz in the street. She said she also saw a male white adult (Suspect Henning) who was sitting in the middle of the street.

Deputy Royo said she saw Deputy Cruz with a Taser and she along with Deputy [redacted] drew their handguns. She said Suspect Henning was doing a rocking motion as if he was going to get up. Deputy Royo said they were giving Suspect Henning commands to stay on the ground. She said Sergeant [redacted] gave the command to "go hands on" to grab his hands and handcuff him.

Deputy Royo said she holstered her weapon and was about to handcuff Suspect Henning. She estimated they were about 5 to 6 feet away from Suspect Henning. She said Deputy [redacted] was to her left and slightly in front of her. Deputy Royo said Suspect Henning "lurched up" and forward with his arms outstretched toward Deputy [redacted] Deputy Royo said Deputy [redacted] hands were out in front of him and he had his weapon drawn **(Royo, pg. 9 Homicide Interview)**. At that point, Deputy Royo said Deputy [redacted] was completely in front of her. She said she was now looking at the back of Deputy [redacted] and could no longer see Suspect Henning.

Deputy Royo said she heard one gunshot and saw Deputy [redacted] fall to his right side onto the ground. She said it appeared to her Deputy [redacted] had been pushed backwards. She said Suspect Henning stumbled backwards and was lying on his back, with his feet on the sidewalk and his back in the street. Deputy Royo said she heard Sergeant [redacted] tell them to handcuff Suspect Henning. She said she went forward and grabbed his right arm turned him onto his stomach. With the assistance of another deputy, she said she was able to place him into handcuffs. Deputy Royo said she heard someone call for paramedics.

On January 24, 2013, IAB Sergeants Victor Allen and Mark Reyes interviewed Deputy Vanessa Royo at Internal Affairs Bureau. Representing Deputy Royo during the interview was Attorney Helen Schwab of Green and Shinee. The following is a summary of the interview. For a detailed account of Deputy Roy's statement, refer to the verbatim transcripts included in this case.

> **IAB Note:** During his interview, Deputy Royo was shown a sketch of the scene. The sketch was used to show their positions at the time of the shooting. The sketch is included with his verbatim transcript.

Deputy Royo said she had been on approximately forty ride-a-longs at different stations prior to this incident. She said she had ridden with Deputy [redacted] about ten to fifteen times.

Deputy Royo said when she crossed over the center median and met with Sergeant [redacted] they were south of the radio cars. She estimated they were about five to ten feet away from Suspect Henning. They were giving Suspect Henning commands to get on the ground and to get on his stomach. Deputy Royo said Suspect Henning was sitting on his butt and was stationary when Sergeant [redacted] directed the handcuffing. At that point, Deputy Royo said she did not see Suspect Henning doing anything that would require less lethal force use against him. Deputy Royo estimated she was on scene about one to two minutes before the shooting occurred.

Deputy Richard Brown

On February 21, 2012, Detectives Dameron Peyton and Margarita Barron interviewed Deputy Richard Brown at Lakewood Station. This interview is summarized on pages 25-26 of **Exhibit A**. The following is a brief summary of the homicide interview.

Deputy Brown said he was inside the Paramount substation for briefing and prepping his car, when he heard Sergeant [redacted] request a Paramount unit. Deputy Brown said he acknowledged the request, but heard Sergeant [redacted] telling Deputy [redacted] what was going on. Deputy Brown said Sergeant [redacted] advised he had a male in the middle of the street doing either pushups or sit-ups. Deputy Brown said the request did not sound emergent so he stayed at the substation, since Deputy [redacted] was responding.

Deputy Brown said he heard another request from Sergeant [redacted] requesting additional units which sounded urgent. He said Sergeant [redacted] requested the units code (lights and sirens). Deputy Brown said he ran to the armory and grabbed a Taser and stunbag and responded southbound on Paramount Boulevard.

When he arrived, Deputy Brown said he saw a team of deputies which included Sergeant [redacted] and Deputies [redacted] Cruz and Royo. Deputy Brown said Suspect Henning was either sitting in a fetal position or on his butt. When he got out of his car, Deputy Brown said Suspect Henning was now standing up. Deputy Brown said he retrieved the stunbag from the passenger side of his car and yelled to the deputies it was available. Deputy Brown said that he had to load the stunbag since he grabbed it from the armory. After loading the weapon, Deputy Brown said he just making his way towards the deputies when he heard two to three gunshots. Deputy Brown said he was about five feet away at the time of the shooting.

Deputy Brown said as he made his way to the deputies, he saw that Suspect Henning had either fallen backwards or onto his knees. He said he provided cover with the stunbag, while Deputy Royo was attempting to handcuff Suspect Henning. Due to the blood, Deputy Brown said Deputy Royo was having a hard time bringing Suspect

Henning right hand behind his back. Deputy Brown said he assisted Deputy Royo with bring Suspect Henning's right hand behind his back.

On January 23, 2013, IAB Sergeants Victor Allen and Mark Reyes interviewed Deputy Richard Brown at Internal Affairs Bureau. Representing Deputy Brown during the interview was Attorney Helen Schwab of Green and Shinee. The following is a summary of the interview. For a detailed account of Deputy Brown's statement, refer to the verbatim transcripts included in this case.

> **IAB Note:** During his interview, Deputy Brown was shown a sketch of the scene. The sketch was used to show their positions at the time of the shooting. The sketch is included with his verbatim transcript.

Deputy Brown said at the time of the shooting, he saw Deputies Cruz, [redacted] Royo and Sergeant [redacted] in a half moon shaped arrest team. He said Suspect Henning was standing directly in front of Deputy [redacted] and Royo. He said he could not see what Suspect Henning was doing because his view was partially blocked by Deputies [redacted] and Royo.

Deputy Welby Cham

On February 21, 2012, Detectives Dameron Peyton and Margarita Barron interviewed Deputy Richard Brown at Lakewood Station. This interview is summarized on page 24 of **Exhibit A**. The following is a brief summary of the homicide interview.

Deputy Cham said he was at the Paramount substation when he heard 130S (Sergeant [redacted] request assistance for a possible 390P suspect (under the influence of PCP). Deputy Cham said he responded southbound on Paramount Boulevard. When he arrived on scene, Deputy Cham said he saw a couple of deputies surrounding Suspect Henning. Deputy Cham said he was about forty to fifty away. He said Suspect Henning was standing, but he could not see what was going on because his view was blocked. He could hear deputies giving commands to stay on the ground. Deputy Cham said he then heard one gunshot and saw Suspect Henning fall to the ground. Deputy Cham said he put out radio traffic and monitored Suspect Henning until paramedics arrived.

On January 23, 2013, IAB Sergeants Victor Allen and Mark Reyes interviewed Deputy Welby Cham at Internal Affairs Bureau. Representing Deputy Cham during the interview was Attorney Helen Schwab of Green and Shinee. The following is a summary of the interview. For a detailed account of Deputy Cham's statement, refer to the verbatim transcripts included in this case.

> **IAB Note:** During his interview, Deputy Cham was shown a sketch of the scene. The sketch was used to show their positions at the time of the shooting. The sketch is included with his verbatim transcript.

Deputy Cham said he rolled Suspect Henning onto his side to monitor him while waiting for paramedics. He no one moved Suspect Henning into the street.

Deputy [redacted]

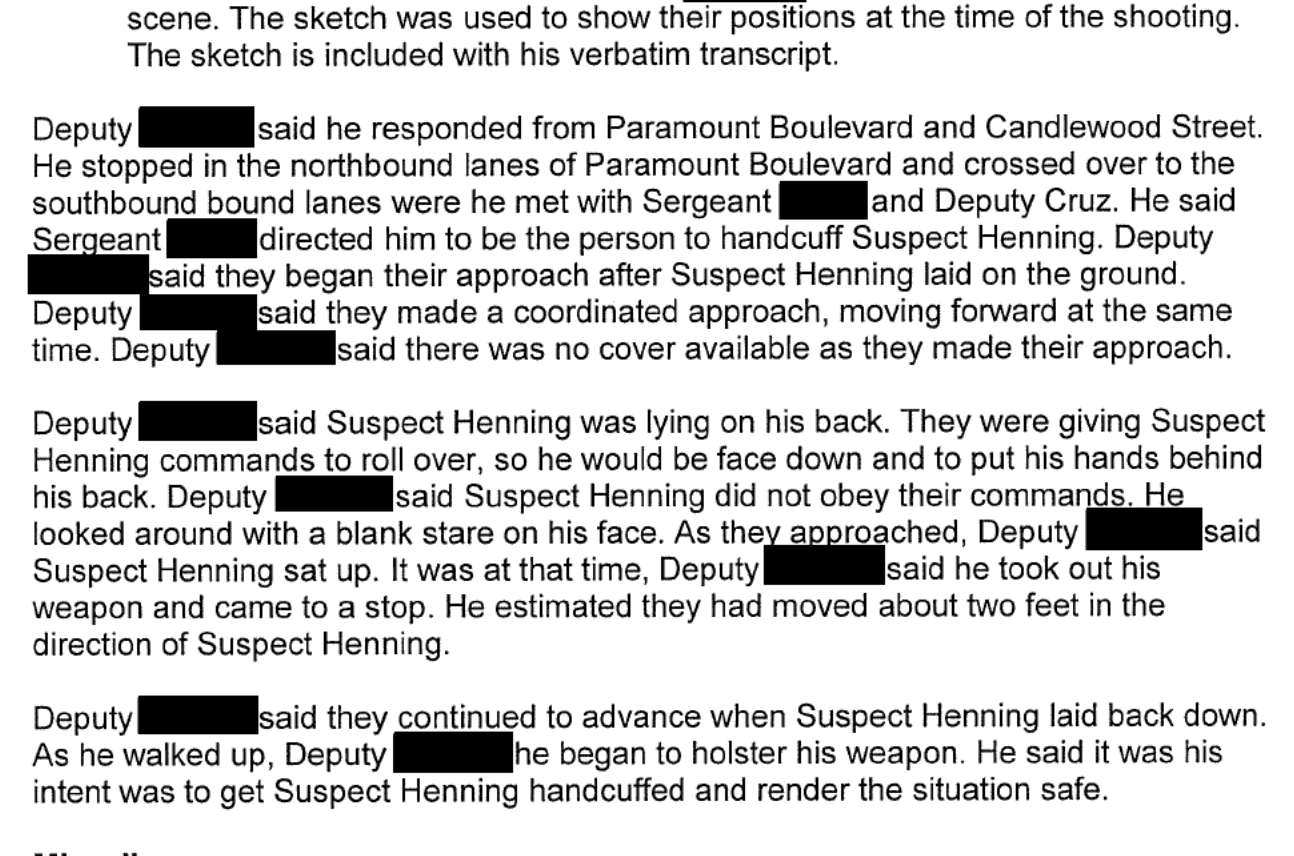
On February 21, 2012, Detectives Dameron Peyton and Margarita Barron interviewed Deputy [redacted] at Lakewood Station. This interview is summarized on pages 27-28 of **Exhibit A**. Representing Deputy [redacted] during the interview was Attorney Mitchell Kander of Green and Shinee. The following is a brief summary of the homicide interview.

Deputy [redacted] said he responded code-3 to an assistance request for Sergeant [redacted] for a mentally ill person (5150) or a person possibly under the influence of PCP. When he arrived, Deputy [redacted] said he saw a male white or light skinned male Hispanic (Suspect Henning) in the southbound lanes of Paramount Boulevard at Harrison Street. Deputy [redacted] said Suspect Henning did not have on a shirt, had a blank stare on his face, and was pacing back and forth and side to side.

Deputy [redacted] said Sergeant [redacted] was giving Suspect Henning orders to get down on the ground as he moved in. He said he began to move in too, while giving Suspect Henning commands to get down on the ground. Deputy [redacted] said he screamed the commands at the top of his lungs. Deputy [redacted] said Suspect Henning laid on his back, which he thought was strange. He ordered Suspect Henning to roll over onto his chest. Deputy [redacted] said Suspect Henning was moving around and got on his knees and then laid back down.

Deputy [redacted] said he felt Suspect Henning had a weapon and was under the influence. He said he drew his weapon and pointed it at Suspect Henning. Deputy [redacted] said Suspect Henning appeared to be complying, that he was relaxing. Deputy [redacted] said he began to holster his weapon to place Suspect Henning in handcuffs. Deputy [redacted] said Suspect Henning rose up onto his knees. Deputy [redacted] said he drew his weapon and began yelling to Suspect [redacted] to get down on the ground. Deputy [redacted] said he was about four feet away from Suspect Henning, when Suspect Henning lunged at him and grabbed his gun. Deputy [redacted] said he was knocked off balance. He said he pulled back his gun and fired two rounds at Suspect Henning, because he feared Suspect Henning was trying to get his gun and shoot him. Deputy [redacted] said he fell against the west curb. He heard another deputy put out a deputy involved shooting.

On January 24, 2013, IAB Sergeants Victor Allen and Mark Reyes interviewed Deputy [redacted] at Internal Affairs Bureau. Representing Deputy [redacted] during the interview was Attorney Helen Schwab of Green and Shinee. The following is a summary of the interview. For a detailed account of Deputy [redacted] statement, refer to the verbatim transcripts included in this case.



IAB Note: During his interview, Deputy [redacted] was shown a sketch of the scene. The sketch was used to show their positions at the time of the shooting. The sketch is included with his verbatim transcript.

Deputy [redacted] said he responded from Paramount Boulevard and Candlewood Street. He stopped in the northbound lanes of Paramount Boulevard and crossed over to the southbound bound lanes were he met with Sergeant [redacted] and Deputy Cruz. He said Sergeant [redacted] directed him to be the person to handcuff Suspect Henning. Deputy [redacted] said they began their approach after Suspect Henning laid on the ground. Deputy [redacted] said they made a coordinated approach, moving forward at the same time. Deputy [redacted] said there was no cover available as they made their approach.

Deputy [redacted] said Suspect Henning was lying on his back. They were giving Suspect Henning commands to roll over, so he would be face down and to put his hands behind his back. Deputy [redacted] said Suspect Henning did not obey their commands. He looked around with a blank stare on his face. As they approached, Deputy [redacted] said Suspect Henning sat up. It was at that time, Deputy [redacted] said he took out his weapon and came to a stop. He estimated they had moved about two feet in the direction of Suspect Henning.

Deputy [redacted] said they continued to advance when Suspect Henning laid back down. As he walked up, Deputy [redacted] he began to holster his weapon. He said it was his intent was to get Suspect Henning handcuffed and render the situation safe.

Miscellaneous

IAB Lieutenant Stefanie Fredericks checked to see that the Watch Commander, Lieutenant Eric Lindblom took reasonable steps to ensure that the involved parties and witnesses did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, as well as the involved parties and witnesses personnel did not collectively consult with their attorney or representative. In addition, Lt. Fredericks checked to see if the watch commander attempted to have the involved parties and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.